

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEITH E. HOWARD,

Defendant.

Case No. 06-cr-40019 -JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Defendant Keith E. Howard's Motion to Appoint Counsel (Doc. 654). On January 18, 2007, Howard pled guilty, pursuant to a written plea agreement, to one count of conspiracy to manufacture and possess with intent to distribute more than 500 grams of a mixture and substance containing methamphetamine. He was sentenced on January 18, 2007. No appeal is currently pending. As part of the plea agreement, the Government indicated that, if Howard provided substantial assistance through complete and total cooperation, it may, in its sole discretion, file a motion under Rule 35 of the Federal Rules of Criminal Procedure. Howard requests counsel to assist him in answering the anticipated Rule 35 motion from the Government. However, to date, the Government has not filed such a motion. As such, there is nothing pending for which Howard requires the assistance of counsel. Therefore, the Court **DENIES** his Motion (Doc. 654) as not yet ripe for adjudication.

IT IS SO ORDERED.

DATED: March 18, 2008

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE